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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 20 June 2016, at 10 a.m.

Chair: Ms. Rodríguez Abascal ..... (Cuba)

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The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 22 June 2015 concerning Puerto Rico (A/AC.109/2016/L.13 and A/AC.109/2016/L.6)

Requests for hearing (Aide-memoire 03/16)

2. **The Chair** drew attention to aide-memoire 03/16 relating to the Special Committee decision of 22 June 2015 concerning Puerto Rico, which contained 57 requests for hearing. She took it that the Committee wished to accede to those requests.

3. *It was so decided.*

4. **The Chair** said that the delegations of Algeria, Angola, Argentina, Costa Rica, El Salvador, Ghana, Guatemala, Mexico, Morocco, Palau, Panama, Paraguay, Peru, Solomon Islands, South Africa, Spain, Sri Lanka Uruguay, the Holy See and the Sovereign Order of Malta had indicated their wish to participate in the Committee's consideration of the item as observers.

5. The Islamic Republic of Iran, on behalf of the Non-Aligned Movement, had also indicated its wish to participate in the Committee's consideration of the item.

6. **Mr. Maleki** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement continued to attach great importance to the issue of decolonization and believed that exercising the legitimate right to self-determination of people under colonialism, in accordance with the Charter of the United Nations, was of paramount importance. The Movement reiterated its full support for the activities of the Committee and called for an acceleration of the decolonization process.

7. Much remained to be done to achieve full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Movement therefore called on all Member States, the United Nations and relevant United Nations agencies to accelerate the process of decolonization and to support the effective implementation of the Plan of Action of the Third International Decade for the Eradication of Colonialism.

8. The Movement reaffirmed its position on the question of Puerto Rico, as contained in the final document of the sixteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran in 2012, and the Movement's seventeenth Ministerial Conference.

9. The Committee had been considering the colonial question in Puerto Rico for more than 40 years and had adopted a total of 34 resolutions or decisions on that subject. The Movement welcomed the fact that, over the previous decade, the Committee had adopted its resolutions by consensus. It called on the Government of the United States to assume its responsibility to expedite a process that would allow the Puerto Rican people to fully exercise their right to self-determination, and urged it to return the occupied land and facilities of Vieques Island and the Roosevelt Roads Naval Station to the Puerto Rican people and to release the Puerto Rican political prisoner Oscar López Rivera.

10. The members of the Movement fully supported the work of the Committee and hoped that, as in previous years, the Committee would adopt by consensus another resolution on the question of Puerto Rico that took into account the Movement's position.

Hearing of representatives of the Non-Self-Governing Territory

11. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

12. **Mr. García Padilla** (Governor, Commonwealth of Puerto Rico) said that, in accordance with the Charter of the United Nations, the United States had committed to developing self-government for Puerto Rico, taking due account of the political aspirations of the people. As recently as 2016, in the case of *Commonwealth of Puerto Rico v. Sánchez Valle*, the Supreme Court of the United States had reiterated that the Puerto Rican Constitution had created a new political entity, the Commonwealth of Puerto Rico, which was republican in form and subordinate to the sovereignty of the people of Puerto Rico. That appeared to be in contradiction with the recent actions of the United States Government, which violated the

bilateral pact governing Puerto Rico, the terms of which could not be altered without mutual consent. Such violations could be seen in the 2005 and 2011 reports by the President's Task Force on Puerto Rico's Status, as well as in the position adopted by the Solicitor General in the case of *Commonwealth of Puerto Rico v. Sánchez Valle*. Such actions revealed that, even though in 1952 the United States Congress had granted Puerto Rico a significant degree of self-governance, including autonomy over its internal affairs, Puerto Rico had never become a sovereign political entity.

13. As a result, the United States continued to view Puerto Rico as a territory that was subject to the full powers of the Congress of the United States. The position of the United States Government was incompatible with the statement that the political power of the people of Puerto Rico emanated from the people and should be exercised in accordance with their will as stated in the country's Constitution. The Solicitor General had therefore adopted a position that ran counter to the statements expressed previously by the Government of the United States before the United Nations in 1953. That ambivalent position had had serious consequences in terms of dealing with the fiscal emergency currently experienced by Puerto Rico.

14. His country had suffered a serious economic recession; as in other places, economic contraction had produced growing debt. In simple terms, the debt incurred by his Government was unpayable: it stemmed not from a temporary lack of liquidity, but general overindebtedness that could not be deferred and which threatened basic services. While his Government had hoped to deal with the problem internally, United States courts had closed off that option. Existing laws to protect debtors were insufficient, as Congress had excluded Puerto Rico from such protective measures in 1984. Instead, Congress had presented legislation designed to produce a debt restructuring mechanism based on negotiations with creditors and the elaboration of a debt adjustment plan. In order to continue providing basic health, security and education services to his population and mitigate a worsening humanitarian crisis, he had therefore been forced to support that legislation. However, the legislation had provoked a political crisis by establishing a financial oversight and management board that usurped the powers of Puerto Rico, consequently stripping his country of its political sovereignty as recognized by General Assembly resolution 748 (VIII).

15. Puerto Rico must have legislation that protected it from its creditors before 1 July 2016. If, as it seemed likely, the legislation adopted was that currently being considered by the United States Senate, then the notion of self-governance on which General Assembly resolution 748 (VIII) and the International Covenant on Civil and Political Rights were based would be violated.

16. Puerto Rico had believed that its relationship with the United States was based on political equality and sovereignty, as recognized by the Special Committee in its resolution of 12 September 1978. Regrettably, the recent actions of the United States seemed to indicate otherwise. The United States must not renege on the commitments that it had made in 1953. The Committee should therefore present the case of Puerto Rico before the General Assembly and the Third Committee in particular in order to implement the right to self-determination in accordance with the legal standards established by the Organization and applicable international law.

17. Puerto Rico was hungry for justice and demanded its rights under international law. The Organization should help to re-establish a relationship of equality and respect between Puerto Rico and the United States. His country called for the release of Oscar López Riviera, who had been imprisoned under inhumane conditions for over 30 years.

Hearing of petitioners

18. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

19. **Mr. Bimbela** (Colegio de Abogados de Puerto Rico) said that it was undeniable that Puerto Rico was a colony and the international community had been ineffective in condemning that situation. In *Commonwealth of Puerto Rico v. Sánchez Valle*, the Supreme Court of the United States had referred to his country as a mere "municipality" of one of the states, thus ruling that the ultimate power over all decisions on Puerto Rico lay with the United States Congress. Just four days later, *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust* had determined that chapter 9 of the United States Bankruptcy Code did not

apply to Puerto Rico, nor did it permit the country to present its own financial legislation on the matter. That subjugation to the laws of the United States was a clear example of colonialism, leaving Puerto Rico powerless to defend its own interests.

20. For many years, the United States had refused to participate in the work of the Special Committee, arguing that the question of Puerto Rico was a purely domestic affair and that the country had its own Government and political sovereignty thanks to a bilateral pact. For the first time in 118 years of colonialism, however, all three branches of the United States Government had admitted that Puerto Rico was a colony. The legislation establishing the financial oversight and management board was further proof of colonialism. The United States had therefore lied to the United Nations in 1953: there could not be a bilateral pact if one party unilaterally imposed laws regarding national borders, criminal offences, port access and even the price of milk. It was therefore morally imperative for the General Assembly to address the question of Puerto Rico with a view to establishing a free and fair process of self-determination.

21. The United States must exempt Puerto Rico from its coastal traffic laws. His organization called for the release of prisoner Oscar López Rivera. The United States must refrain from imposing the death penalty in Puerto Rico and must provide any and all relevant information regarding the assassinations of Carlos Muñiz Varela and Santiago Mari Pesquera. His organization condemned the despotic imposition of the financial oversight and management board. The Special Committee should call on the Government of the United States to take responsibility for accelerating the process of self-determination for Puerto Rico. It should also request the General Assembly to refer the case of Puerto Rico to the International Court of Justice in order to obtain an advisory opinion regarding the country's colonial status.

22. **Mr. Toledo López** (Movimiento Boricua ¡Ahora Es!) said that the Government of Puerto Rico continued to thwart the will of the Puerto Rican people as expressed in the 2012 referendum and endorsed by the Government of the United States, including in its 2014 budget for the island. His organization had filed complaints with the Puerto Rico Commission on Civil Rights and the United States Commission on Civil Rights. An amicus curiae brief contained in the case of *Commonwealth of Puerto Rico v. Sánchez Valle* had revealed that Puerto Rico lacked sovereignty with regard to the United States; the Governor of Puerto Rico had subsequently requested clarification from the United Nations concerning the island's political status and its relationship with the United States.

23. In the case of *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust*, it had also been determined that Puerto Rico could not implement its own bankruptcy laws to resolve its financial crisis, thus illustrating that the island did not have the power of self-governance. While the judiciary was attempting to resolve both cases, the United States continued to exercise full power over Puerto Rico and was currently considering draft legislation that, if adopted, would establish a financial oversight and management board to address the financial crisis, marking the third time in less than a year that Puerto Rico had been viewed and treated as a colony. The Committee should therefore advise the General Assembly to rescind resolution 748 (VIII) and reinstate Puerto Rico on the list of Non-Self-Governing Territories. In addition, the Secretary-General should respond to the letter sent by the Governor of Puerto Rico regarding the political relationship between the island and the United States.

24. **Mr. Huertas González** (Asociación Puertorriqueña de Historiadores) said that his organization stressed the importance of establishing a mechanism to achieve decolonization in Puerto Rico, based on international law and the free will of the Puerto Rican people to choose their political status democratically without the intervention of a foreign country. Since the invasion of Puerto Rico by the United States in 1898 and the passing of the Jones Law, the Federal Relations Act and other legislation, there had been no change in the colonial relationship. Since the end of the nineteenth century, Puerto Rico had been essential to the geostrategic interests of the United States, presenting a counter-example to the Cuban Revolution.

25. The United States Congress had refused to extend access to programmes such as Medicare or Medicaid for Puerto Ricans. Furthermore, Congress had supported the institution of a financial oversight and management board that would have power over elected authorities on the Territory. The conclusions drawn by the Solicitor General in the case of *Commonwealth of Puerto Rico v. Sánchez Valle* had likewise confirmed that Puerto Rico did not possess sovereignty.

26. Colonialism had impeded Puerto Rico's development, leading to high rates of emigration, debt and unemployment. In addition, Puerto Rico continued to suffer from repression, violence and the psychological effects of colonialism. Its colonial status had prevented it from joining various Caribbean and Latin American organizations and from participating in agreements, projects and arrangements that would allow it to emerge from its economic crisis. A decolonization mechanism must be set up to help Puerto Rico establish a status beyond external control. His organization also called for the release of Oscar López Riviera.

27. **Mr. Bermúdez Zenón** (Grupo por la Igualdad y la Justicia de Puerto Rico) said that the Territory had been colonized for the previous 118 years by a country that claimed to represent democracy and freedom around the world. During his election campaign, President Barack Obama had promised that the colonial problem of Puerto Rico would be addressed within his first year in office, a promise that everyone had known would not be fulfilled. The Commission created by President Obama had offended Puerto Rico once more by reducing it to being the object of financial speculation.

28. Ending its criminal blockade on Cuba, the United States was finally re-establishing diplomatic relations with that island and had even promised to return the illegally held naval base at Guantánamo. However, nothing had been said regarding Puerto Rico, a Territory from which the United States also had an obligation to remove its armed forces.

29. **Mr. Nenadich Deglan** (Estado Nacional Soberano de Borinken) said that his organization condemned the colonial situation of the National Sovereign State of Borinken and the illegal military occupation of that country by the United States since 1898. An application for membership to the United Nations had been submitted in July 2014. Although that application fulfilled the necessary requirements, no response had been received. In that regard, he called on the Special Committee to transmit that application to both the Security Council and the General Assembly.

30. The United States had no legal or legitimate rights over the National Sovereign State of Borinken and its people, and all actions taken by the imperial Power there were illegal. The National Sovereign State of Borinken would not continue to ask the United States to solve the colonial problem that it had created 118 years before, and requested that the Special Committee should assume its authority to take drastic steps with regard to decolonization. The nation should not have to wait another 30 or 40 years to have its due freedom.

31. To move towards decolonization, the Committee should transmit the application of the State of Borinken to become a State Member of the United Nations to the Security Council. If the Security Council refused to address that application, the Special Committee should submit a resolution to the General Assembly on the matter. If that resolution were to be rejected, the State of Borinken would petition to receive observer status.

32. In light of the widespread crisis and the political and economic collapse of the fictional Commonwealth, a product of the colonial system of the United States, the only viable option to achieve national liberation and economic recovery was for the National Sovereign State of Borinken to gain Member State status. His organization also called for the release of Oscar López Rivera and Ana Belén Montes.

33. **Mr. Sevillano** (Movimiento Independentista Nacional Hostosiano) said that Puerto Rico was bankrupt and in a state of economic crisis, which would have incalculable social repercussions. In 1952 the international community had been tricked into believing that Puerto Rico would have a degree of independence. In reality, it was merely a colony, as evidenced by the recent decision of the United States Government to impose a financial oversight and management board. The board would have greater authority over Puerto Rican affairs than the elected governor, the legislature or existing Puerto Rican laws, and its primary purpose was to ensure that investors made profits. Although the Puerto Rican Government owed $72 billion, that debt had been manufactured by the United States Government through economic exploitation; in fact, the United States owed a debt to Puerto Rico. Repairing the damage wrought by more than 60 years of bombing and military exercises on Vieques Island alone would cost more than $100 billion.

34. Oscar López Rivera had been imprisoned for 35 years after allegedly committing an offence by fighting for Puerto Rican independence, and he must be released immediately. Lastly, the Committee was requested to ensure that the case of Puerto Rico was

included on the agenda of the General Assembly so that it could be considered in the context of international law.

35. **Ms. Sanabria Dávila** (Comité de Puerto Rico en las Naciones Unidas) said that Puerto Rico's status as a colony had rendered it incapable of responding to the economic and fiscal crisis it faced, and had forced it to accept the imposed solution of a financial oversight and management board. The board, which would focus solely on making Puerto Rico repay its debt of approximately $70 billion, would achieve that by implementing measures that would merely worsen the existing social crisis. It was time for the Government of the United States to comply with the resolutions adopted by the Special Committee by expediting a process that would enable the Puerto Rican people to fully exercise their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV). Furthermore, the Assembly should consider the question of Puerto Rico and decide on that issue. As part of that process, political prisoner Oscar López Rivera, symbol of both the brutal imperial domination to which Puerto Ricans had been subjected, and their resistance to it, must be released immediately. As a result of Puerto Rico's colonial status, the human rights of almost 9 million people were being violated every day. The people of Puerto Rico therefore called on the United Nations to take action to remedy the colonial status of their nation in accordance with the principles of General Assembly resolution 1514 (XV).

36. **Mr. Román Espada** (Coalición Puertorriqueña contra la Pena de Muerte) said that the death penalty was prohibited in Puerto Rico under its national Constitution, which reflected the unequivocal will of the people. Consequently, Puerto Rico was the only nation in the world whose constituents had rejected the death penalty, but where it existed anyway because the nation was subjected to United States law. That situation constituted a violation of fundamental human rights and the Charter of the United Nations, and undermined international peace and cooperation.

37. Like other actions taken by the United States Government, such as the imprisonment of Oscar López Rivera, the contamination of land on Vieques Island and the proposed financial oversight and management board, the imposition of the death penalty ran counter to General Assembly resolution 1514 (XV). Puerto Rican residents were liable to be extradited to the United States to face the death penalty without the consent of the Government of the Commonwealth, which was evidence of the lack of self-determination and sovereignty of the people of Puerto Rico. The Committee should refer the case of Puerto Rico to the General Assembly with a view to achieving self-determination and the end of colonialism, and should recommend the adoption of a resolution requiring a moratorium on the death penalty in Puerto Rico.

38. **Mr. Rosado** (ProLibertad Freedom Campaign) said that, since its invasion of Puerto Rico in 1898, the United States had committed repeated human rights violations against Puerto Ricans, including 60 years of bombing on Vieques Island, assassinations and the imprisonment of Oscar López Rivera and other Puerto Ricans, and the forced sterilization of Puerto Rican women.

39. The recent ruling in the case of *Commonwealth of Puerto Rico v. Sanchez Valle* had made it clear that Puerto Rico was a colony and the pending legislation establishing a financial oversight and management board was another glaring example of the oppression of Puerto Rico and its people. The financial oversight and management board would have the authority to approve or reject fiscal plans proposed by the Governor and legislature, and would increase unemployment and poverty in Puerto Rico by forcing the people to repay a debt that was not owed.

40. As a colonized people, Puerto Ricans were victims of racism, xenophobia and exploitation, and the United States Government had sought to eliminate their language, national identity and culture in direct violation of international human rights laws. When Puerto Ricans had risen up against those injustices they had been assassinated or incarcerated. One of those victims had been the Puerto Rican political prisoner Oscar López Rivera, a former community activist who had joined the Puerto Rican independence movement and confronted the United States Government, which had been his right under the Declaration on the Granting of Independence to Colonial Countries and Peoples. Arrested in 1981 as part of a witch-hunt waged by the United States, he had been subjected to various forms of torture in United States prisons in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners. In 1999, he had refused clemency under President Clinton in support of his co-defendants and in 2011 he had been denied

parole, even though activists, politicians and others all over the world had called for his release.

41. The United Nations should take immediate action to end the colonial occupation of Puerto Rico and secure the unconditional release of Oscar López Rivera, the longest held Puerto Rican political prisoner in history.

42. **Ms. Santiago** (Partido Independentista Puertorriqueño) said that, when it had been convenient for the United States, the Government had claimed that its relationship with Puerto Rico was based on a voluntary pact. However, in recent court rulings the United States had finally come clean about Puerto Rico's status as a colony. In the case of *Commonwealth of Puerto Rico v. Sánchez Valle* the Supreme Court had determined that Puerto Rico was a territory of the United States and that the original and ultimate source of power in Puerto Rico lay in the United States Congress. That colonial status was further evidenced by the proposal aggressively promoted by President Obama to impose a financial oversight and management board, which would give complete power over the nation to seven unelected officials.

43. The recent clarity with regard to Puerto Rico's status made the time ripe for a new discussion on its future as many Puerto Ricans who had accepted the "pact" in good faith were now calling for change. The draft resolution before the Committee reaffirmed the right of the Puerto Rican people to self-determination and independence, requested that the case should be referred to the General Assembly and called on the United States to fulfil its obligation to decolonize the nation and to release Oscar López Rivera. In addition, there should be dialogue between the United States Government and those seeking Puerto Rican independence, in accordance with General Assembly resolution 1514 (XV).

44. **Ms. Kennedy** (Socialist Workers Party) said that, for eight decades, the Socialist Workers Party had been fighting for the independence of Puerto Rico and for an end to its colonial domination by the United States. It also urged working people to join the campaign to demand the release of Oscar López Rivera.

45. Independence was vital if the people of Puerto Rico were to be in a position to freely determine their own future, but it was also in the interests of the vast majority of people in the United States. In response to the capitalist economic and social crisis, the Socialist Workers Party was establishing a working-class movement to defend working-class interests and eventually take political power. The time had come to do so, given that workers were angry about worsening conditions in the United States and around the world.

46. The people of Puerto Rico and workers in the United States had common interests, a common enemy and a common struggle, and the United States Government and the capitalist system that it defended were responsible for the deepening crisis in both the United States and Puerto Rico. The debt crisis in Puerto Rico was being used to benefit banks and bondholders while working people suffered.

47. Five million Puerto Ricans lived in the United States and tens of thousands more were being forced to migrate because of the crisis on the island. United States rulers had tried to convince the Puerto Rican people that they could not survive independently of the United States, but that was a lie. Cuba's socialist revolution was proof that workers and farmers could take political power away from the capitalist minority, win genuine independence and reorganize society in the interests of the vast majority. The Committee's condemnation of United States colonial rule over Puerto Rico would serve the interests of peoples everywhere who were fighting for self-determination and against oppression.

48. **Ms. Cruz Soto** (Mayor, Municipality of San Juan) said that the United States had been deceiving the people of Puerto Rico and the international community for 64 years but recent action taken by all three branches of the United States Government had shown the reality: Puerto Rico was in fact a United States colony. The imposition of a financial oversight and management board would silence Puerto Rico's few remaining vestiges of self-government and would strip the people of the most basic democratic powers.

49. Now that the United States had lost all credibility and the illusion had been uncovered, the United Nations should immediately reinstate Puerto Rico on its list of Non-Self-Governing Territories and the case of Puerto Rico should be referred to the General Assembly. The Committee should initiate a process of self-determination for Puerto Ricans, which should begin with the immediate release of Oscar López Rivera. The international community had an opportunity to act on the principles it preached and

assist the people of Puerto Rico in breaking free of their chains.

50. **Mr. Boyle** (International Human Rights Association of American Minorities), speaking also on behalf of the National Sovereign State of Borinken, said that, in the recent case of *Commonwealth of Puerto Rico v. Sánchez Valle*, the United States Supreme Court had classified Puerto Rico as a territory belonging to the United States. That definition made it entirely clear that the United States Government considered Puerto Rico a piece of property, with which it could do as it saw fit, regardless of the requirements of the Charter of the United Nations and international human rights law. The so-called "Commonwealth of Puerto Rico" was nothing more than a puppet Government established by the United States to disguise its illegal occupation of Puerto Rico since 1898, a fact further evidenced by the proposed debt rescheduling regime. He rejected the $73 billion debt, which had been imposed on Puerto Rico by imperialists, bankers and fraudsters.

51. In the case of *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust*, the Supreme Court had contradicted its decision made just a few days before in *Commonwealth of Puerto Rico v. Sánchez Valle* by approving the power of the United States Congress to arbitrarily redefine Puerto Rico as a state in order to deprive Puerto Ricans of United States bankruptcy protection, a decision that illustrated the United States Government's mercenary position. The National Sovereign State of Borinken, with the Non-Aligned Movement, requested the Committee to submit a draft resolution to the General Assembly in support of Puerto Rico's application for membership to the United Nations. Lastly, the Committee should meet with President Obama to demand the immediate release of Oscar López Rivera.

52. **Mr. Rivera** (Movimiento Amplio Soberanista de Puerto Rico) said that recent decisions across all three branches of the United States Government had made it clear that Puerto Rico was a United States colony. In *Commonwealth of Puerto Rico v. Sanchez Valle*, the United States Supreme Court had ruled that the ultimate source of prosecutorial power in Puerto Rico lay in the United States Congress. On the same day, the House of Representatives had approved the establishment of a financial oversight and management board that would have the power to override laws adopted by the Government of Puerto Rico even though none of the members of that board were to be appointed by Puerto Ricans.

53. Some of those appearing before the Committee would allege that the administering Power had lied to the international community in 1953. However, the United States had informed the Fourth Committee at that time that, under the Constitution of the United States, Congress had the power to declare the Puerto Rican Constitution null and void. Significantly, countries voting against General Assembly resolution 748 (VIII) or abstaining had outnumbered the votes in favour, which was an indication that Member States had not been taken in by the United States. Nevertheless, many had since turned their backs on Puerto Rico.

54. Although the Committee had limited authority to enforce implementation of General Assembly resolution 1514 (XV), future Committee resolutions could call on the General Assembly to seek an advisory opinion on the subject of Puerto Rico from the International Court of Justice, pursuant to Article 96, paragraph 1, of the Charter of the United Nations. The request for an advisory opinion could also ask whether it was acceptable in the twenty-first century for the United States to base its authority over the people of Puerto Rico on the Treaty of Paris of 1898, in light of developments in modern international law. His suggestion was reasonable in light of the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory of 9 July 2004.

55. **Ms. Machín Vásquez** (Fundación Yo Soy Boricua) said that a foreign imperialist Government was the cause of the devastating crisis that was affecting the people of Puerto Rico, and the invading Power had now decided to establish a financial oversight and management board, which was a further example of oppression and colonial dictatorship. The Boricua people had been saddled with debts of over $73 billion, repayment of which would have consequences such as greater poverty, the loss of the right to strike and a pay cut for young minimum-wage earners. The National Sovereign State of Borinken must be recognized as the sole legitimate Government of the island so that it could represent its own interests and declare the debt unpayable, which would force the United States to assume responsibility for it.

56. She requested the Committee to submit the application for membership from the National Sovereign State of Borinken to the General Assembly and the Security Council, and called on the United Nations to demand the immediate release of Oscar López Rivera and Ana Belén Montes.

57. **Ms. Ortiz Pagán** (Alianza Comunitaria de Borinken) said that she was deeply concerned at the high prevalence of mental illness in Puerto Rico (Borinken), which affected half the population and was directly attributable to the colonial status of the country. One factor that contributed to mental health was positive identification with one's family and country, yet young people in Puerto Rico did not learn about their true history because the school curriculum was decided by the colonizing Power.

58. Recent racist decisions by the United States Supreme Court had made clear that Puerto Rico was merely a piece of property to be exploited and discarded at will. Furthermore, the proposed financial oversight and management board would remove the few powers granted to the Commonwealth of Puerto Rico in 1952. If the country was to recover, the only option was for the National Sovereign State of Borinken to assume political leadership of the people. To that end, the National Sovereign State of Borinken should become a State Member of the United Nations. In addition, Oscar López Rivera and Ana Belén Montes should be released from prison.

59. **Mr. Rosselló** (New Progressive Party) said that the incorporation of Puerto Rico as the fifty-first State of the United States would give his people the same rights as citizens of that country. In January 2017, Puerto Rico would renew its calls for the Government of the United States to respect the results of the 2012 referendum, in which a majority of voters had rejected the current colonial status and had chosen statehood. In 2013, the Civil Rights Commission of Puerto Rico had ruled that a failure to abide by the people's decision to reject the current political status constituted a violation of their human and democratic rights. In addition, the proposed financial oversight and management board would limit democratic governance, while the United States Supreme Court had recently confirmed that Puerto Rico was indeed a colony in *Commonwealth of Puerto Rico v. Sanchez Valle*.

60. Referring to the commitment of the United Nations to defend human rights and eradicate colonialism, he requested that the General Assembly restore Puerto Rico to the list of Non-Self-Governing Territories by withdrawing resolution 748 (VIII). In addition, the United Nations should state its position regarding the decision of the Civil Rights Commission. A lack of action would only prove that the United Nations and the Committee were complicit in perpetuating colonialism and in the ongoing violation of the democratic and human rights of an entire people.

61. **Mr. Ortiz Avilés** (Juventud Boricua) said that his country had never ceded sovereignty to an imperial power and wished to exercise its right to self-determination. The United States had been attacking the Boricua nation since 1898 and had pursued a deliberate policy of genocide and systematic extermination. He supported the claim of the National Sovereign State of Borinken to a seat as a State Member of the United Nations and urged the Committee to speak out in favour of the immediate, unconditional release of Oscar López Rivera and Ana Belén Montes.

62. The award of the Congressional Gold Medal to the sixty-fifth infantry regiment was further evidence of colonialism and, while respecting the Boricuas who had fought for the United States, he condemned United States imperialist policies. President Obama had recently said that it was time for Puerto Rico to chart a new course and make a fresh start. For Puerto Rico, that meant reclaiming its sovereignty.

63. His organization was determined to overcome the lack of visibility suffered by young Boricuas. Most of the victims of the Orlando massacre had been Boricuas aged between 20 and 40 years who had been driven from their homeland by the crisis. Juventud Boricua, the National Sovereign State of Borinken and its provisional Government extended their deepest condolences to the families of the victims.

64. **Mr. Castillo Ayala** (Coordinadora de Solidaridad Diáspora Boricua) said that no progress had been made towards achieving decolonization and liberation for the people of Puerto Rico despite 70 years of lobbying in the United Nations and the adoption of 34 resolutions by the Committee recognizing their right to self-determination. Puerto Rico was in the grip of a devastating crisis that threatened its very survival and had resulted in mass emigration. With no sovereign authority, the colonial Government was incapable of resolving the worsening crisis, which had left the

country at the mercy of vulture funds whose interests were protected by the United States.

65. Given the urgency of the situation, the Committee must implement General Assembly resolution 1514 (XV) and the other resolutions adopted during the first two Decades for the Eradication of Colonialism. Otherwise, his country risked becoming a "Caribbean Monaco" that existed purely for the benefit of foreign millionaires.

66. **Ms. Nevares Ramos** (Coordinadora Mexicana de Apoyo al Estado Nacional Soberano de Borinken) said that the National Sovereign State of Borinken should be recognized as a full State Member of the United Nations. To that end, the Committee should submit its application for membership to the General Assembly, accompanied by a resolution requesting that the process should begin as soon as possible. Such action would also continue the efforts of Vicente Lombardo, the founder of the Confederation of Latin American Workers, who had campaigned for the independence of Puerto Rico, and of Cuban and Boricua freedom fighters.

67. The people of the National Sovereign State of Borinken had an inalienable right to freedom, sovereignty and self-determination as the successors to the Taíno people, who had never ceded their sovereignty to Spain. The cession of Puerto Rico to the United States was therefore null and void. With so many characteristics of a nation, the only reason Borinken was not a State was that its sovereignty had been usurped by the United States. Furthermore, Puerto Rico had been crippled by a debt burden of $73 billion.

68. In declaring the Commonwealth of Puerto Rico to be sovereign in 1953, the United States had lied to the United Nations, and recent judicial decisions in the United States had recognized the colonial status of Puerto Rico. If moral and political imperatives were followed, and United Nations principles as set out in General Assembly resolution 1514 (XV) were strictly applied, the 17 territories suffering from disguised slavery should be liberated with immediate effect.

69. **Mr. Umpierre Mellado** (Acción Soberanista) said that he had invited the Committee to visit Puerto Rico two years previously, but it had not done so. He hoped that the United States had not withheld permission.

70. Every aspect of life in his country was governed by United States laws. In 1953, the United States Government had said that Puerto Rico should be removed from the list of Non-Self-Governing Territories because of its sovereignty over fiscal and judicial matters; however, both concessions had been swiftly withdrawn by Congress and the Supreme Court. Puerto Rico had no sovereignty; if it did, it would be a State Member of the United Nations. Instead, it had a single opportunity every year to present its case to the world.

71. Although the Committee had repeatedly expressed its support for his people's right to self-determination, the General Assembly had taken no action. With the greatest respect, he could only assume that complicity was the reason. The peoples of the world had declared their desire to eliminate colonialism in the twentieth century yet virtually nothing had changed in his country since 1898. An inter-agency report requested by the President of the United States had acknowledged that Puerto Rico could be ceded to another country, which demonstrated that it was indeed a colony. The General Assembly must recognize its colonial status.

72. **Mr. Rivera** (Cuba), referring to the proposal made by the Partido Independentista Puertorriqueño, said that the Chair should use his good offices to promote dialogue between the Government of the United States and Puerto Rico.

The meeting rose at 1 p.m.